

**IN THE HIGH COURT OF UTTARAKHAND AT
NAINITAL.**

Writ Petition No. 1609(S/S)2003
(Old no. 9908 of 1993)

Ram Behari S/o Sri Son Pal
Resident of Site-I, (Type-II) 27, Race Course
Officer Colony, Dehradun. ----- Petitioner.

Vs.

1. State of U.P. through Secretary Medical & Health Services,
Civil Secretariat, U.P. Lucknow,
2. Director General, Medical, Health & Family Welfare,
Directorate, Swasthya Bhawan, Lucknow,
3. Director, Medical Health & Family Welfare,
Swasthya Bhawan, Lucknow,
4. Joint Director, Medical Health & Family Welfare,
Directorate (Leprosy Section), Swasthya Bhawan, Lucknow,
5. Chief Medical Officer, Dehradun,
6. Superintendent, Maclaren Leprosy Hospital,
Dehradun. -----Respondents.

None for petitioner.
Sri Paresh Tripathi, learned Standing Counsel for the State of Uttarakhand.

Hon'ble M.M. Ghildiyal, J.

Heard Sri Paresh Tripathi, learned Brief Holder for State of Uttarakhand. None is present on behalf of the petitioner despite called twice.

By means of this writ petition, the petitioner has prayed for the following reliefs:-

- i. A writ, order or direction in the nature of certiorari may be issued quashing the order dated 14.03.1989 contained in annexure-6 to this writ petition passed by the opposite party no. 5 and the order dated 9.11.1993 contained in annexure-14 to this writ petition passed from the office of opposite party no.2,

- ii. A writ, order or direction in the nature of mandamus be issued commanding the opposite parties to pay the petitioner pay-scale of the post of Physiotherapist as revised from time to time,
- iii. Such other writ, order or direction which the Hon'ble Court may deem fit, just and proper in the circumstances may be issued in favour of the petitioner against the opposite parties,
- iv. Cost of the writ petition be allowed to the petitioner against opposite parties.

A bare perusal of the record reveals that the petitioner has sought pay-scale to the post of Physiotherapist on which he was working but the petitioner was being paid pay-scale on the post of Physiotherapy Technician. The pay –scale sought by the petitioner was turned down by the respondents' authorities on the ground that since the petitioner did not possess requisite qualification which is required for a person posted as Physiotherapist, thus he cannot be granted pay-scale for the post of Physiotherapist.

The petitioner could not show that he possesses requisite qualifications, which is required for the post of Physiotherapist. The writ petition lacks merit and is liable to be dismissed.

Accordingly, the writ petition is dismissed. No order as to costs.

(M.M. Ghildiyal, J.)

July 26, 2007:
NCM: